

**CITY OF CENTRAL
CITY COUNCIL MEETING
January 15, 2013**

CALL TO ORDER

A regular meeting of the City Council for the City of Central was called to order by Mayor Engels at 7:04 p.m., in City Hall on January 15, 2013.

ROLL CALL

Present: Mayor Engels
Alderman Spain
Alderman Giancola
Alderman Voorhies
Alderman Lee

Absent: None

Staff Present: Manager Lanning
Attorney Michow
City Clerk Bechtel
Finance Director Flowers
Operations Director Kisselman
CDD/HPO Thompson
Utilities Superintendent Griffith
Police Chief Krelle
Fire Chief Allen

The Pledge of Allegiance was recited by all present.

ADDITIONS AND/OR AMENDMENTS TO THE AGENDA

The agenda was approved as presented.

CONFLICTS OF INTEREST

No Council Member disclosed a conflict regarding any item on the agenda.

CONSENT AGENDA

Alderman Voorhies moved to approve the consent agenda containing the regular bill lists for December 20, and 27, 2012 and January 3 and 10, 2013; and the City Council minutes of December 18, 2012. Alderman Giancola seconded, and without discussion, the motion carried unanimously.

Appreciation of Service: Bob Giancola for 5 years, Rita Lee for 1 year

Mayor Engels presented Bob Giancola and Rita Lee with a Certificate of Appreciation and thanked them for their service to the community.

Bob Giancola stated that during his term on Council we have accomplished some good things. This has been a period of rebuilding and feels that the City is moving in the right direction and he is happy to have been a part of it all such as the Main Street project, building a good team of staff,

opening communication with the casinos and the nonprofits. And he thanked the people of Central and the staff for their support.

Rita Lee stated this has been an interesting and learning year and she now sees the other side as well as that the citizens have the power for decisions. She stated that she may choose to serve again in the future.

Oath of Office: New Council Members Gloria Gaines and Kathy Heider

Judge Gloss administered the Oath of Office to Alderman Gaines and Alderman Heider.

PUBLIC FORUM/AUDIENCE PARTICIPATION

No one requested time to address the Council.

NEW BUSINESS

Annual Appointments:

- Mayor Pro-tem appointment (Pursuant to City Charter, Section 3.5(b).
Alderman Voorhies moved to appoint Alderman Spain as Mayor Pro-tem. Alderman Gaines seconded, and without discussion, the motion carried unanimously.
- Legal Publication for 2013
Alderman Voorhies moved to approve the Weekly Register Call for legal publication for 2013. Alderman Spain seconded, and without discussion, the motion carried unanimously.
- DRCOG Representative
Alderman Spain moved to appoint Mayor Engels as the DRCOG representative for 2013. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.
- Gilpin Ambulance Authority Representative and Alternate
Alderman Gaines moved to appoint Manager Lanning as the Gilpin Ambulance Authority Representative with Finance Director Flowers as alternate. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

Ordinance No. 13-01: An ordinance amending Section 1-46 and Section 2-21 of the Municipal Code concerning posting of meetings and ordinances.

Attorney Michow explained that this ordinance proposes to amend two sections of the Municipal Code concerning posting places for ordinances and meetings of Council. This ordinance will also change posting of adopted ordinances to be required to be posted at City Hall only, and meetings of Council will be posted “as designated by Council Resolution”.

Section 5.2 of the Home Rule Charter requires the Council to adopt an ordinance to establish posting procedures and the public places designated for posting of Council meetings. Section 2-21(d) of the Code requires that ordinances adopted by Council be posted at the office of the City Clerk and at 117 Eureka Street (Washington Hall). This subsection (d) is proposed to be relocated to Section 1-46, which concerns posting of ordinances, and is further amended to remove Washington Hall as a required posting location for ordinances. Section 2-21 is further amended to add a new subsection (d) to provide that regular and special meetings of Council shall be posted at least 24 hours in advance at locations designated by Council resolution. This proposed amendment is consistent with the City’s practice of designating posting locations of meetings on an annual basis by resolution.

Alderman Gaines moved to adopt Ordinance No. 13-01: An ordinance amending Section 1-46 and Section 2-21 of the Municipal Code concerning posting of meetings and ordinances and set the Public Hearing for February 5, 2013 at 7:00 p.m. Alderman Spain seconded, and without discussion, the motion carried unanimously.

Resolution No. 13-01: *A resolution designating the public place for posting of notices of regular and special meetings of local public bodies of the City.*

City Clerk Bechtel explained that this resolution is an annual event to designate posting places as required by Section 24-6-402(2)(c) C.R.S. This resolution is proposed with the change to remove Washington Hall as a posting location. We are required to have 2 locations which will be the Post Office and the front door of City Hall.

Alderman Spain moved to approve Resolution No. 13-01: A resolution designating the public place for posting of notices of regular and special meetings of local public bodies of the City. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

Ordinance No. 13-02: *An ordinance amending Sections 10-21 and 10-22 of Chapter 10 of the Municipal Code regarding marijuana and marijuana accessories.*

Ordinance No. 13-03: *An ordinance amending Chapter 16 of the Municipal Code regarding the regulation of marijuana cultivation for personal use in residential structures.*

Attorney Michow explained that Council is being asked to consider two ordinances regarding necessary changes to the Municipal Code to implement the provisions of Amendment 64 regarding personal possession of marijuana and marijuana accessories.

In the November 2012 general election, Colorado voters approved an amendment to the state Constitution, Article XVIII, Section 16 of the Colorado Constitution that makes the personal possession and use of one ounce or less of marijuana for adults twenty-one (21) years of age or older legal in Colorado. Amendment 64 also allows the possession of up to six marijuana plants for limited home-grow in residential homes by adults 21 years or older and authorizes licensed retail establishments to sell marijuana subject to the Department of Revenue's adoption of licensing regulations. Retail sales of marijuana cannot occur before the State adopts a licensing scheme on or before July 1, 2013. Moreover, the City is authorized to ban retail sales by ordinance or local vote, similar to medical marijuana.

The purpose of Ordinance Nos. 13-02 and 13-03 is to address the personal possession of marijuana by conforming existing Municipal Code provisions to Amendment 64. The proposed Ordinances do not address retail sale of marijuana as the State has not adopted licensing regulations yet.

Ordinance No. 13-02 amends the current provisions regarding marijuana possession and drug paraphernalia to:

- Define marijuana and marijuana accessories consistent with Amendment 64;
- Legalize possession of one ounce or less of marijuana by adults 21 years or older;
- Prohibit possession of more than one ounce and but no more than six ounces of marijuana (Under state law, up to 6 ounces of marijuana possession is a class 2 petty offense);
- Prohibit purchase or possession of marijuana for consumption by any person under 21 years of age;
- Exempt "marijuana accessories" from drug paraphernalia so as to allow possession of marijuana accessories;

- Prohibit possession/consumption of any amount of marijuana in a public place; and define public place.

Ordinance No. 13-03 amends the zoning regulation the City Council previously adopted concerning residential cultivation of medical marijuana to expand the limitations on number of plants to apply to marijuana, medical or recreational.

Additional clarifications asked by Council include: these regulations will be revisited as the State regulations are set or if the State makes changes required by Federal Law; an apartment complex can determine if they want to prohibit; and a maximum of 12 plants would be allowed per dwelling unit.

Alderman Voorhies moved to adopt Ordinance No. 13-02: An ordinance amending Sections 10-21 and 10-22 of Chapter 10 of the Municipal Code regarding marijuana and marijuana accessories and set the Public Hearing for February 5, 2013 at 7:00 p.m. Alderman Spain seconded, and without discussion, the motion carried unanimously.

Alderman Gaines moved to adopt Ordinance No. 13-03: An ordinance amending Chapter 16 of the Municipal Code regarding the regulation of marijuana cultivation for personal use in residential structures and set the Public Hearing for February 5, 2013 at 7:00 p.m. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

Resolution 13-02: *A resolution of the City Council of the City of Central, Colorado approving an Intergovernmental Agreement by and between the City of Central and the Board of County Commissioners of Douglas County, Colorado for access to SOTAR, a sex offender registration software system.*

Police Chief Krelle explained that the Police Department is asking council to approve this resolution for an IGA with Douglas County which allows us to enter our registered sex offenders into the SOTAR Database. We currently do not have a publicly searchable database in which we put our registered sex offenders. The City at any given time has typically between 1 and 8 registered sex offenders. The only way the public was able to obtain information about these individuals, was by coming into the Department. Douglas County developed a software program that is searchable by the public and offers it to law enforcement agencies if they choose to use it. Currently, there are 32 agencies that contribute to the SOTAR database including Denver, Aurora, Gilpin County and Black Hawk. Douglas County requires an IGA from each agency that participates.

Alderman Heider asked if this database was at no cost. Police Chief Krelle stated yes.

Alderman Voorhies moved to approve Resolution No. 13-02: A resolution of the City Council of the City of Central, Colorado approving an Intergovernmental Agreement by and between the City of Central and the Board of County Commissioners of Douglas County, Colorado for access to SOTAR, a sex offender registration software system. Alderman Spain seconded, and without discussion, the motion carried unanimously.

Resolution 13-03: *A resolution of the City Council of the City of Central establishing certain financial procedures specific to authorized check signatories and the use of credit or debit cards.*

Finance Director Flowers explained that in order to comply with good internal control practices, the City Council requires that all checks issued by the City are signed by two (2) individuals who have

been authorized to do so by City Council. As there have been changes in personnel since the last time this was done, it is necessary for Council to update those persons authorized to sign checks. This resolution establishes those elected officials and employees that are authorized to sign checks issued by the City. Also, as it is sometimes necessary for City employees to use credit or debit cards in order to make some purchases or reservations, Resolution 13-03 also recognizes that in these cases, only one (1) authorized signature will be required and lists the City employees who are authorized to have and use a City credit or debit card.

Alderman Gaines asked if the names could be removed and the title could be listed to limit the need to redo this in the event of a staff change. Finance Director Flowers stated that the bank requires the names to be listed.

Alderman Voorhies moved to approve Resolution No. 13-03: A resolution of the City Council of the City of Central establishing certain financial procedures specific to authorized check signatories and the use of credit or debit cards. Alderman Spain seconded, and without discussion, the motion carried unanimously.

Authorizing the purchase of a Ford F-150 truck for the Water Department for \$34, 668

Operations Director Kisselman explained that based on the City Council's visioning process which included the goal of repairing and/or replacing aged or insufficient equipment, the 2013 Adopted Budget allocated \$46,000 for the purchase of a new truck for the Water Department. The Water Department currently has two trucks, both of which are older and one of which is not fully capable of making it to some of the Water Department's remote locations. Staff obtained quotes for the type of truck they feel is needed in the Water Department and as the total amount of the purchase is greater than \$25,000, is requesting that City Council approve the purchase of this vehicle. The total cost of the truck and any additional equipment needed is \$34,668. Funding for this purchase will come out of the Water Fund's Adopted 2013 Budget under line items 50-433-7426 (budgeted amount \$46,000). There will be an additional \$11,332 remaining in this line item after the purchase of the truck.

Alderman Spain moved to approve the purchase of a Ford F-150 truck for the Water Department in the amount of \$34, 668.00. Alderman Gaines seconded, and without discussion, the motion carried unanimously.

STAFF REPORTS

Manager Lanning reported the following:

January 31st work session for visioning – set by Council consensus

Developer Projects – Morrone Ranch owners may be headed into negotiation with a new buyer

Exercise Room – some expenditures will be coming through at the next meeting for equipment

Finance Director Flowers explained to Council that they may get questions concerning the water rates. January water bills had an error on the senior rate of \$2.50 so that will be a credit on the February bill. Also, January is the first month of metered use for residential which will show up on the February bill and commercial rates are up substantially.

COUNCIL COMMENTS

Alderman Gaines thanked the citizens for their vote of confidence by electing her to serve as Alderman. She hopes to accomplish many things for the city.

Alderman Heider thanked the 86 people for writing her name in on the ballot.

Alderman Voorhies stated she has had several calls with water questions and had referred them to City staff.

Mayor Engels welcomed new the Council members and stated with the momentum from the previous council we hope to continue to accomplish great things.

PUBLIC FORUM/AUDIENCE PARTICIPATION

No one requested time to address the Council.

Hearing no further business, Mayor Engels adjourned the meeting at 7:58 p.m.
The next Council meeting is scheduled for February 5, 2013 at 7:00 p.m.

Ronald E. Engels, Mayor

Reba Bechtel, City Clerk